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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,255	12/21/2001	Kazumasa Kimura	85A 3183	7870

7590 10/06/2004

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EXAMINER

RAO, SHEELA S

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,255

Applicant(s)

KIMURA ET AL.

Examiner

Sheela Rao

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

1. Applicant's response to the Office Action was received on June 24, 2004. Amendments have been made to claims 1 and 10 and to the specification. Claims 1-10 are pending and presented for examination.

Response to Amendment

2. The rejection of claims 1-10 under 35 USC § 103(a) as being unpatentable over Nakayama (USPN 5,483,626) in view of Kinnaid (USPN 6,564,115 B1) is maintained and restated below.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama (USPN 5,483,626) in view of Kinnaid (USPN 6,564,115 B1).

Nakayama discloses a graphic transforming apparatus and method for its use. The invention of the prior art uses a computer system that comprises object and/or pattern acquiring means from a library of stored data images. Portions of these graphic objects or patterns, obtained from the data library, are then used to be redrawn into objects as per set requirements. The use of a computer system (Figure 2) incorporates a display screen or an image drawing means (col.3: lines 43-45), a pointer/cursor or handle display means (col. 3: line 41), a mouse or manipulating input means (col. 3: line 36), the combination of the pointer and mouse enables a redrawing means (col. 3: lines 1-15), and the pattern menu area that includes a library or the parameter calculation/value display means (col. 3: lines 53-55), a keyboard or parameter value input means (col. 3: line 31). The calculations and decision making factors for determining if the correct data has been used and reworked, similar to the judgment means, are accomplished by the control unit of the CPU as depicted in Figures 7 and 11 (col. 5: lines 5-46). In the event of an error or miscalculation or out-of-range output means, an error is displayed to prompt the operator (col. 5: lines 41-45, Fig. 11). As for the data setting device and operating parameters of the

instant invention, Nakayama teaches the claimed limitations. However, the environment of the instant invention, wire bonding data and device, is not taught by the prior art of reference.

For this reason, the patented reference to Kinnaird is relied upon. The invention of Kinnaird discloses the use of an automated system and method for bonding and testing of wire connections in an integrated circuit chip. Kinnaird uses a computer-controlled device to automatically adjust bonding parameters. The system includes a bonding parameter storage means, a visual subsystem, along with positioning commands and measurements to operate the bonding tool upon an XY table. Kinnaird further uses the automated system for testing purposes so as to make a more efficient system with minimal errors. See Figure 1. The testing means of the patented invention automatically converts the testing data into bonding parameters (col. 2: lines 49-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the graphical transforming apparatus and method of Nakayama with the automated wire bonding means of Kinnaird to introduce assembly concepts that are flexible and easy; yielding a more automated effective and efficient wire bonding apparatus and method therefore.

Response to Arguments

5. Applicant's arguments filed June 24, 2004 have been fully considered but they are not persuasive.

The rejection of claims 1-10 over Nakayama in view of Kinnaird has been maintained because the prior arts of record relied upon teach the limitations of the instant invention as claimed. Furthermore, Applicant goes on to argue aspects of the invention that have not been claimed, thereby establishing the instant claims consent to the previously made rejections based on the prior art references.

In response to applicant's arguments/amendments, the amendments have not been given patentable weight because the recitations occur in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela Rao whose telephone number is (703) 305-9766. The examiner can normally be reached Tuesday - Thursday from 9:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on (703) 308-0538.

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

or faxed to:

(703) 872-9306 for Official Communications

hand-delivered responses should be brought to:

**Receptionist - Sixth Floor
Crystal Park II, 2121 Crystal Drive, Arlington, Virginia**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Sheela S. Rao
September 30, 2004



**LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**